

SCHOOL ELECTION HANDBOOK

**Montana Association of School Business Officials
Montana Office of Public Instruction
Montana Secretary of State**

February 2002

MASBO acknowledges and appreciates the efforts of these people and many others who contributed their time and effort to write and update this publication.

ORIGINAL WRITERS OF THE HANDBOOK

Shirley Barrick, Fergus County Superintendent of Schools
Mary Ann Brown, Former Gallatin County Superintendent of Schools
John Campbell, Former Business Manager, Helena Public Schools
Wendy Cromwell, Missoula County Clerk and Recorder
Nancy Harte, Bureau Chief, Elections & Legislative Bureau, Secretary of State
Steve Johnson, Clerk/Business Manager, Bozeman Public Schools
Dorothy Laird, Former Flathead County Superintendent of Schools
Kay McKenna, Former Lewis & Clark Superintendent of Schools (deceased)
Steve Meredith, Graphic Arts, Office of Public Instruction
Darryl Omsberg, Glacier County Superintendent of Schools
Maura Stagg, Clerk/Business Manager, Boulder Public Schools
Rachel Vielleux, Missoula County Superintendent of Schools
Judy Ward, Clerk/Business Manager, Harrison Public Schools
Lynda Brannon, MASBO Executive Director

CURRENT ELECTION COMMITTEE

Gwyn Anderson, Clerk/Business Manager, Browning Public Schools
Betty Brumwell, Clerk/Business Manager, Dutton K-12 Public Schools
Darlene Gonzales, Clerk/Business Manager, Alberton Public Schools
Steve Johnson, Clerk/Business Manager, Bozeman Public Schools
Bob Martelle, Clerk/Business Manager, Forsyth Public Schools
Rachel Vielleux, Missoula County Superintendent of Schools
Mary Davis, Clerk/Business Manager, West Yellowstone Public Schools
Marge Griebel, Clerk/Business Manager, Plevna Public Schools
Susan Fleming, Clerk/Business Manager, Columbia Falls Public Schools
Darryl Omsberg, Glacier County Superintendent of Schools
Evelyn Kelch, Clerk/Business Manager, Olney-Bissell Public Schools
Jules Waber, Powell County Superintendent of Schools
Joan Anderson, Fiscal and Accounting Manager, Office of Public Instruction
Nica Carte, MAEFAIRS Specialist, Office of Public Instruction
Gail Toole, Deputy Clerk, Columbia Falls Public Schools
Janice Doggett-Frankino, Attorney, Secretary of State's Office
Elaine Graveley, Elections Specialist, Secretary of State's Office

Thank you!!

Purpose

This School Election Handbook is intended to assist the election administrator of school elections in the administration and operation of school elections.

The Clerk of the School District is the Election Administrator of all school district elections under most circumstances. However, by June 1 of the year preceding the election, the Board of Trustees may request the County Election Administrator (usually the County Clerk and Recorder) to conduct the school district election(s). If the County Election Administrator accepts the responsibility, the County Election Administrator will conduct the school elections.

Types of School Elections

There are two types of school elections: regular elections and special elections. The regular school Election Day is the first Tuesday after the first Monday of May. Every school district must have an election on this day to elect trustees and propose General Fund voted budgets or levies, if needed. Other "special elections" may be held at the same time. However, the Board of Trustees may hold a special election at any time of the year at their discretion, as long as the election is called for through the proper resolution process and meets other legal restrictions specific to that type of election.

Contained in this Handbook

The ***School Election Calendar*** shows a chronological order of duties for the conduct of any school election. Most duties must be performed for all elections, while others are additional duties that relate only to the election of trustees. Guidelines for ***Voters in School Elections*** and ***Candidates in School Elections*** appear next in this handbook. Also included is a section on the ***Write-in Laws***.

The ***Election Procedures*** section describes the process for conducting elections.

A section of this handbook explains ***Mail Ballot Elections***, a popular alternative for conducting school elections. At the end of this handbook are forms that may be used in the election process. If a specific form cannot be found in this handbook, refer to the related law or contact the County Election Administrator.

A discussion of ***Special Elections*** follows in the next section. Special elections are conducted for the following types of propositions:

1. Special, voted or additional levies
2. Approval of bond issuance
3. Establishing a building reserve
4. School boundary changes, including: a) consolidation, b) annexation, c) creation of a joint district, and d) dissolution of a joint district
5. County high school unification
6. Opening a junior high school in a county high school district
7. Interstate school agreements
8. Site approval
9. Acquisition and disposal of real property

10. Bus depreciation reserve cash balance transfer to other funds
11. Bus transportation areas or bus routes
12. Technology Fund levy
13. Flexibility ("Flex") Fund levy
14. Any other election proposition that may be authorized by law and called by the Board of Trustees

Other Resources for Election Information

Election Judges' Handbook
Published by the Montana Secretary of State
State Capitol, Helena MT 59620
Elections Bureau
Telephone: (406) 444-4732

Elaine Graveley, Elections Specialist
Secretary of State's Office
P O Box 202801
Helena, MT 59620-2801
Telephone: (406) 444-5376

Nancy Hall, Fiscal Officer
Office of Public Instruction
P O Box 202501
Helena, MT 59620-2501
Telephone: (406) 444-9852
Email: nhall@state.mt.us

Joan Anderson, Fiscal and
Accounting Manager
Office of Public Instruction
P O Box 202501
Helena, MT 59620-2501
Telephone: (406) 444-1960
Email: janderson@state.mt.us

Lynda Brannon, Executive Director
Montana Association of School Business
Officials (MASBO) & Indian Impact
Schools of Montana
1 South Montana Avenue
Helena, MT 59601
Telephone: (406) 442-5599
Email: masbo@in-tch.com

Information about Trustee Elections

Montana School Boards Association
(MSBA)
1 South Montana
Helena, MT 59601
Telephone: (406) 442-2180
Fax: (406) 442-2194

Contents

SCHOOL ELECTIONS.....	6
SCHOOL ELECTION CALENDAR	6
VOTERS IN SCHOOL ELECTIONS	9
CANDIDATES FOR SCHOOL ELECTIONS	10
WRITE-IN LAWS	13
ELECTION PROCEDURES	14
RELATIVES WHO MAY <u>NOT</u> SERVE AS ELECTION JUDGES	17
SPECIAL ELECTIONS.....	18
MAIL BALLOT ELECTIONS.....	22
FORMS FOR RUNNING FOR OFFICE	25
OATH OF CANDIDACY	26
AFFIDAVIT FOR PERSON CIRCULATING PETITIONS	27
PETITION FOR NOMINATION OF SCHOOL BOARD TRUSTEE	28
CERTIFICATION OF PETITION	29
DECLARATION OF INTENT FOR WRITE-IN CANDIDATES	30
FORMS FOR ELECTION PROCEDURES.....	31
TRUSTEE RESOLUTION CALLING FOR AN ELECTION	32
CERTIFICATION OF NOTIFICATION OF ELECTION ADMINISTRATOR	33
NOTICE OF ANNUAL SCHOOL TRUSTEE ELECTION.....	34
NOTICE OF ELECTION CANCELLATION	35
TRUSTEE ELECTION BY ACCLAMATION	36
AFFIDAVIT OF POSTING NOTICES OF ELECTION.....	37
OFFICIAL BALLOT – SCHOOL TRUSTEE ELECTION.....	38
OFFICIAL BALLOT – Equalized District.....	39
OFFICIAL BALLOT – Disqualified District.....	40
OFFICIAL BALLOT – FLEXIBILITY FUND LEVY	41
OFFICIAL BALLOT – TECHNOLOGY ACQUISITION AND DEPRECIATION FUND LEVY ..	42
ESTIMATING THE TAX IMPACT OF MILL INCREASES	43
ABSENTEE VOTING IN SCHOOL DISTRICT ELECTIONS.....	44
APPLICATION FOR ABSENTEE BALLOT	45
CERTIFICATE AND RECORD OF ABSENTEE BALLOTS.....	46
OATH OF THE JUDGES OF ELECTION	47
TALLY SHEET – TRUSTEE ELECTION.....	48
TALLY SHEET – PROPOSITION	49
TALLY SHEET – PROPOSITION ELECTION JUDGES’ RETURN SHEET	50
CERTIFICATE OF ELECTION OF TRUSTEE.....	51
OATH OF OFFICE.....	51
CERTIFICATE OF PROPOSITION ELECTION RESULTS	52
CERTIFICATE OF ELECTION FOR SPECIAL ELECTION.....	53
PRESCRIBED WRITTEN PLAN FOR MAIL BALLOT ELECTIONS	54
REPLACEMENT MAIL BALLOT REQUEST	57
DISTRICT RESIDENCY FORM.....	58
CERTIFICATION OF MATERIALS FOR ATTORNEY GENERAL’S REVIEW	59
CERTIFICATE OF APPOINTMENT OF CLERK	60
GLOSSARY OF TERMS AND PROCEDURES	61
INDEX	63

SCHOOL ELECTIONS

SCHOOL ELECTION CALENDAR

The regular school election is held annually on the first Tuesday after the first Monday in May. Each of these steps is explained in greater detail on the following pages.

In the calendar below, the dates provided are either the **first or the final day** to accomplish the task being mentioned. Some tasks may be completed before the deadline, and for others who must wait until the deadline before beginning the task or before the task is final. Read the text (or the statute cited) to determine the proper action, if uncertain.

<u>Number of Days Before /After Election</u>	<u>Action</u>
75 days before	Applications for absentee ballot may be requested. Voters may request an absentee ballot starting at this date and until noon the day before the election. (See <i>Voters in School Elections</i> for absentee voting requirements.) 13-13-211, MCA
At least 70 days before	Request for a mail ballot election must be sent from trustees to the election administrator. 13-19-202, MCA
At least 60 days before	Election administrator sends mail election plan/calendar to the Secretary of State's Office. 13-19-205, MCA
At least 40 days before	Trustees call for an election The trustees must pass a resolution stating: 1) the date of the election; 2) the purpose of the election; 3) the polling site(s) (if changed from previous school election); and 4) the time the polls will open, if before noon. The trustees must also appoint three election judges per precinct. The resolution may appear in the board minutes. An election may also be called by the county superintendent, county commissioners, board of public education or the trustees of a community college. 20-20-201 and 20-20-203, MCA
No earlier than 135 days, or Later than 40 days before	Trustee candidates file for election. Nomination petitions must be filed with election administrator. (See <i>Candidates for School Elections</i> for nomination requirements.) No person signing a petition may sign more nomination petitions than there are trustee positions open. No candidate may appear on the ballot unless he or she meets this deadline. 13-10-201(6), 20-3-305 and 20-3-344, MCA
35th day before	Trustees' resolution to call an election must be filed with county election administrator. 20-20-201(2), MCA

<u>Number of Days Before /After Election</u>	<u>Action</u>
30th day before	<p>Voter registration closes. A voter must register by this deadline to vote in the school election. Election administrator prepares registration list. 20-20-311 and 20-20-312, MCA</p> <p>Absentee ballots must be available for bond elections <u>if the bond election is to be held on a date other than the regular school Election Day in May.</u> For other types of elections, see "20th day before." 13-13-204, MCA</p>
Not less than 20 days, or more than 30 days before	<p>Notice of election is posted. The election notice must be published in a newspaper of general circulation in the district OR posted in at least three public places in the district, provided that in incorporated cities and towns at least one notice must be posted in each ward or precinct. Radio or television notice may <i>supplement</i> the notice. The notice must include: 1) the date and polling places of the election; 2) polling place hours; 3) each proposition to be considered by the electorate; 4) the number of trustee positions, if any, subject to election and the length of the terms for those positions; and 5) where and how absentee ballots may be obtained.</p> <p>If the polling place has changed from the previous school election, that change must be referred to in the notice. If more than one proposition will be considered in the same district, each proposition must be set apart and identified, or placed in separate notices. 20-20-204, MCA (See <i>Affidavit of Posting Notices of Election</i>)</p>
Not less than 25 th day before	<p>Election administrator certifies ballot. The election administrator prepares the ballot form, listing all candidates and propositions to be voted upon. 20-20-401, MCA</p> <p>OR</p> <p>Trustees may declare the trustee election by acclamation (i.e., election is cancelled) if the number of candidates is not greater than the number of trustee positions to be filled AND if there is no need for an election otherwise (i.e., no general fund election was to be held). 20-3-313, MCA</p>
Not less than 26 days before	<p>Deadline for write-in candidates to declare intent. If other candidates have filed for a particular office, a write-in candidate must file a declaration of intent for that office as a write-in by this day. (See <i>Candidates for School Elections</i>, for declaration requirements.) 13-10-211, MCA</p>
Not before the 25th day nor later than the 15th day	<p>If mail ballot election is used, last day for ballots for mail election to be mailed. <i>All ballots must be mailed on the same day.</i> 13-19-207, MCA</p>
20th day before	<p>Absentee ballots available. The election administrator prepares ballots for absentee voters. <u>Exception:</u> For bond elections held on days other than the regular school Election Day, absentee ballots must be available 30 days before the election. (See <i>Voters in School Elections</i> for absentee voting requirements.) 20-20-401, MCA</p>

<u>Number of Days Before /After Election</u>	<u>Action</u>
10th day	Deadline to notify election judges of appointment. 20-20-203, MCA
Day Before	Deadline for absentee ballot requests. Absentee ballots must be requested no later than noon the day before the election. If the voter has a health emergency between 5:00 p.m. the Friday before the election and noon on Election Day, an emergency request for an absentee ballot may be made by noon on Election Day. 13-13-211, MCA
1st Tuesday after the first Monday in May	ELECTION DAY. The election administrator must prepare the polling places, print ballots, ensure election judges are present and conduct a fair and unbiased election. (See <i>Election Procedures</i>) Title 13, Chapter 13, and 20-20-203, 20-20-401 and 20-20-411, MCA
Following receipt of the certified tally sheets from all polls.	Trustees canvass the vote and issue election certificates. Trustees review the tally sheets compiled by the election judges to ascertain their accuracy. Recounts are ordered, if necessary. If tally is complete and accurate, trustees issue certificates of election to successful candidates. 20-20-415, MCA
Within 15 days after election	Trustees issue certificates of election and immediately publish canvassed results in the newspaper. 20-20-416, MCA
Within 15 days after receipt of certificate of election	Candidate completes and files Oath of Office with the County Superintendent. Newly elected trustees may not be seated until the oath is filed. 20-3-307, 20-1-202, and 1-6-101, MCA
3rd Saturday in May	Deadline for trustees to hold reorganization meeting to elect chair and appoint clerk. 20-3-321, MCA
June 1	Deadline for trustees to request county election administrator to conduct school elections for next year. The school district clerk/election administrator is designated the election administrator for school elections. However, the trustees of any district may request the county election administrator (EA) to become the election administrator for school elections. If the county EA accepts, then he/she must perform all the duties the school clerk would have. The school district must assume all costs of the election. 20-20-417, MCA

What happens when a deadline date falls on a weekend or holiday?

The deadline date can legally be extended to the next regular business day unless the deadline is phrased "No later than the _____ day before " in which case the deadline must be backed up.
1-1-307, MCA

VOTERS IN SCHOOL ELECTIONS

Who may vote in a school election?

Any individual is entitled to vote in a school district election that meets the statutory qualifications of **13-1-111, MCA** and is a resident of the school district.

The person must be: 1) registered to vote; 2) a U.S. citizen; 3) at least 18 years old by the date of the election; and 4) a resident of the state and county for at least 30 days before the date of the election. Persons who are 17 years old and will be 18 years old on Election Day may register to vote by the deadline and will be permitted to vote. If the election is for a single-member district, the person must be a resident of the district. **13-1-111, MCA**

The person must not be: 1) a convicted felon currently serving a sentence in a penal institution; or 2) determined to be of unsound mind for purposes of voting by a court of law. **20-20-301, MCA, and Article IV, Sec. 4, Montana Constitution**

Individuals wanting to vote in the school election must register or file a change of address if registered in another school district with the county election administrator (usually the clerk and recorder) no later than 30 days before the election. **20-20-311, MCA**

The county election administrator shall cancel the voter registration of anyone who fails to vote in two consecutive federal general elections. **13-2-402, MCA**

What if a voter cannot make it to the polls on Election Day?

Voters may vote by absentee ballot. Voters may apply to the election administrator for an absentee ballot 75 days before the election. Absentee ballots are made available 20 days before the election (30 days before a bond election held at a time other than the regular election day). Voters wishing to use absentee ballots must apply for absentee ballots by noon the day before the election. According to **13-13-225 MCA**, if a voter has a sudden health emergency occurring between 5:00 p.m. on the Friday preceding the election and noon on Election Day, he/she may apply for an emergency illness ballot, by phone or in writing, and a ballot must be delivered to him/her by a special board of election judges. **13-13-201 through 13-13-273 MCA**

What if a voter believes another voter is unqualified to vote?

Any voter may challenge another voter on or before Election Day if he or she believes the person is not qualified to vote. A challenge may be: 1) that the identity of the voter is not the same as the person registered; 2) that the voter does not reside at the place listed; 3) that the voter has been judged by a court to be of unsound mind; 4) that the person has voted in that election before; or, 5) that the voter has been convicted of a felony and is serving a sentence in a penal institution. **13-2-403, 13-13-301, and 20-20-303, MCA**

The election judges must determine whether the challenged person is qualified and administer an oath to the challenged voter. If the challenged voter swears by the oath that he or she is qualified, the voter must be allowed to vote. If the challenged voter is found to be disqualified, or refuses to give information or to take the oath, he or she will not be allowed to vote. Absentee votes may be challenged, but the absentee ballot envelope constitutes an oath. Any challenged voter's ballot will be marked in case it is later discovered that the voter was not qualified to vote. **13-13-304 through 13-13-311, MCA**

CANDIDATES FOR SCHOOL ELECTIONS

Who may run for office?

There are no restrictions on who may run for office. There are restrictions on who may **hold** office. Relatives of school or county employees may seek and hold a school office.

What are the qualifications for school trustee?

Any candidate must: 1) be qualified to vote in a district; and 2) be a resident of the school district (or a resident of the trustee district in a single-member district).

"Qualified to vote" means the person must: 1) be registered to vote; 2) be a citizen of the United States; 3) be at least 18 years old; and 4) be a resident of the state and county for at least 30 days. The person must also not be: 1) a convicted felon currently serving a sentence in a penal institution; or 2) determined to be of unsound mind by a court of law. **13-1-111 and 20-3-305, MCA and Article IV, Sec. 4, Montana Constitution**

How many positions are open for trustee, and what are the terms?

Elementary Districts:

The number of trustees to be elected depends on the size of the school district. For elementary districts, first-class districts (those with a population of 6,500 or more) have seven trustees; second-class districts (with a population greater than 1,000 but less than 6,500) have five trustees, and third-class districts (with a population of less than 1,000) have three trustees. A third-class district may increase the number of its trustees to five, if the board of trustees votes to do so, and publishes its actions prior to January 1 in the year of the trustee election. Ten or more qualified electors may petition the trustees to reduce the size of the board from five to three members. **20-3-341 and 20-6-201, MCA**

High School Districts:

There are seven trustee positions in a high school district except when a district is operating a county high school, four from the group of elementary trustees where the high school building is located and three from other elementary districts within the high school district where the building is not located. If the elementary and high school boundaries are the same, the elementary district trustees in the high school district also function as the high school trustees. Additional high school trustees' positions must be added when additional high school trustee districts are established by the county superintendent. **20-3-351, 20-3-352 and 20-3-354, MCA**

How can someone be placed on the ballot?

School trustees are elected at the May school elections. For candidates for trustee in elementary first-class districts, 20 voters must sign a petition of nomination. For candidates in other school districts, including high school districts, a petition requires just five voters' signatures. The petition must specify which position is being sought (three-year term, for example). The petition must be filed with the election administrator no later than 40 days before the election. **20-3-305 and 20-3-344, MCA**

The county election administrator must review all the signatures on the nomination petition to ensure that the signatures are those of qualified electors. It is also advisable to check all or a random sample of the signatures against the voters' signatures on the voter registration cards. The signature on the petition sheet must be **substantially the same**, but not identical, to the signature on the voter registration card. If a voter signs with a first and last name, but is registered with a first and last name and middle initial, the signature can still be valid. **13-27-103, MCA**

Candidates may be encouraged to obtain more than the minimum number of signatures required, in case any of the voters signing the petition are disqualified. Signatures may be added to the petition until the filing deadline, but not after.

May trustees run as write-in candidates? In what cases do write-in votes count?

Anyone may run as a write-in candidate, and voters may write-in whomever they please. However, there are some circumstances in which votes *are not counted* for a write-in candidate.

Write-in candidates may want to file a "Declaration of Intent as a Write-in Candidate" to ensure that their votes will be counted. Votes are *always* counted for candidates who filed in time to appear on the ballot OR for write-in candidates who have filed a Declaration of Intent at least 15 days before the election.

If any candidate has filed to appear on the ballot, or has filed a timely Declaration of Intent as a write-in candidate, then other candidates must do likewise if they wish to have their votes counted. Any write-in candidate who does not file a Declaration of Intent CANNOT WIN when running against candidates who are on the ballot or who have filed timely Declarations of Intent.

If ***no one*** has filed to appear on the ballot, AND no one has filed a timely Declaration of Intent as a write-in, then ***all write-in candidates will*** have their votes counted. (See ***Write-in Laws*** chart) **13-10-211, MCA**

How may candidates be written in?

Candidates may have their names written in on the ballot or may prepare sticker labels to be used on the ballot. Write-in candidates are responsible for distributing the stickers, but the stickers (like any other candidate campaign material) may not be distributed at the polling place. Names of write-in candidates should not be posted at the polling place and should not appear "written in" on sample ballots. Election judges may respond to voter inquiries about who has filed as a write-in candidate, if asked. **13-35-211, MCA**

If a candidate is written in or if a sticker is used, the voter must still *manually mark* his or her vote for the candidate, even if the sticker has a preprinted X or other mark in front of the candidate's name. To avoid voter confusion, only the candidate's name and position sought should be printed on the sticker.

When candidates' names are written in, misspelled names or parts of candidates' names may be counted, as long as the voter's intentions are clear to the election judges. **13-13-117, MCA**

What happens when a candidate withdraws?

If a candidate withdraws from the election before the last day to file, the candidate's name must not be placed on the ballot. A candidate may not withdraw after the close of filing. His or her name must still be placed on the ballot, even if ballots have not yet been printed.

If a candidate fails to withdraw in time (and therefore appears on the ballot), it is possible for that candidate to receive the most votes and therefore be elected. The candidate may change his or her mind and decide to accept the position by filing the required oath of office. If the candidate does not wish to hold the position to which he or she was elected, the candidate should not file an oath of office. In that case, the remaining trustees should declare the position vacant and fill it by appointment.

May a district cancel an election after it has been posted?

After an election is posted, the district may cancel it only in two instances: 1) In case of a governor declared emergency as specified under 20-20-108, MCA, an election may be canceled and rescheduled; and 2) If the number of candidates who either filed petitions or filed declarations of intent as write-in candidates is equal to the number of candidate positions, the trustees may give notice the election will not be held and may declare the candidates elected by acclamation. **20-20-108 and 20-3-313, MCA**

What should be done if an election is canceled or not necessary?

If the trustees determine that an election that was scheduled is not necessary or is canceled, the trustees must notify the election administrator immediately in writing. If the election is not necessary because of the number of candidates filed, the election administrator would be the one notifying the trustees instead. **13-1-304, MCA.**

What candidate activities are forbidden or permitted on Election Day?

The law prohibits electioneering by anyone on Election Day within a polling place or a building where an election is taking place or within 200 feet of a polling place. Further, the law indicates typical kinds of campaign devices (buttons, badges, and the like) that are not permitted at or about the polls on Election Day. Beyond the materials listed in the law, election officials at any polling place should ask for the removal of any item that, in their judgment, may tend to aid the success or defeat of any candidate or issue being voted upon at the election. **13-35-211, MCA**

Candidates, their spouses, or any of their supporters may remain in a polling place for any length of time they wish for the purpose of monitoring the progress of the election. They may not engage in any activity, however, that could be considered electioneering; nor may they interfere in any other way with the election process.

Any concerns about campaign practice or electioneering should be directed to:

Commissioner of Political Practices
PO Box 202401
Helena, MT 59620-2401
Telephone: (406) 444-2942
Fax: (406) 444-1643

WRITE-IN LAWS		
According to House Bill 171 passed by the 1989 Legislature, write-in votes are counted only under certain conditions. The chart below illustrates when write-in votes may and may not be counted. [Law does not apply to precinct committee people or federal (military) ballots.]		
"REGULAR" CANDIDATE	WRITE-IN CANDIDATE	
Candidate who filed by the deadline and appears on the ballot.	Write-in candidate who filed a Declaration of Intent as a Write-in Candidate (not appearing on the ballot).	Write-in candidate who did NOT file a Declaration of Intent as a Write-in Candidate (not appearing on the ballot).
Always count all votes cast for any candidate appearing on the ballot.	Always count all votes cast for any write-in candidate who filed a Declaration of Intent as a Write-in Candidate.	Never count any votes cast for a write-in candidate who did NOT file a Declaration of Intent UNLESS no candidate appears on the ballot and no other write-in candidate filed a Declaration of Intent.
EXAMPLES:		
Candidate A appears on the ballot and receives 10 votes – ALL VOTES ARE COUNTED [WINNER]	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 8 write-in votes – ALL VOTES ARE COUNTED	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 20 write-in votes – NO VOTES ARE COUNTED
Candidate A appears on the ballot and receives 10 votes – ALL VOTES ARE COUNTED	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 110 write-in votes – ALL VOTES ARE COUNTED [WINNER]	No one else receives any write-in votes – NO VOTES ARE COUNTED
Candidate A appears on the ballot and receives 2 votes – ALL VOTES ARE COUNTED [WINNER]	NO CANDIDATE filed a Declaration of Intent – NO VOTES ARE COUNTED	Candidate C does not appear on the ballot, has NOT file a Declaration of Intent and receives 25 write-in votes – NO VOTES ARE COUNTED
NO CANDIDATE appears on the ballot – NO VOTES ARE COUNTED	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 110 write-in votes – All VOTES ARE COUNTED [WINNER]	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 225 write-in votes – NO VOTES ARE COUNTED
NO CANDIDATE appears on the ballot – NO VOTES ARE COUNTED	NO CANDIDATE filed a Declaration of Intent – NO VOTES ARE COUNTED	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 225 write-in votes – ALL VOTES ARE COUNTED [WINNER]

ELECTION PROCEDURES

What is required to certify a ballot?

The election administrator prepares the form of the ballot, complete with all proper candidates' names and official wording of ballot propositions. The certified ballot is the document used by the printer to prepare the ballots. Components of ballot certification are:

Candidates

Candidates' names must be listed alphabetically by surname on the ballot. Name rotation is not required for school elections. Names must be printed *exactly* as on the candidates' filing petitions. If more than one office is being filled, the office with the longest term should be on the top of the ballot, followed by the next longest term and so on. There should be blank lines provided for write-in candidates for each office equal in number to the number of positions being filled. Trustee positions must be printed on ballots separate from any bond, levy, or other propositions. **13-12-208, 20-3-306 and 20-20-401, MCA**

Ballot propositions

Propositions must be printed on the ballot with the *exact* wording of the proposition (usually provided by statute). If ballot language is not provided by law or by board resolution, the wording should be developed using language from a similar issue whose language is provided. Each proposition must be printed on a separate ballot. **20-9-353 and 20-9-426, MCA**

How are the ballots printed?

The election administrator is responsible for providing a sufficient number of ballots for the number of registered voters. Each ballot must be sequentially numbered, by precinct, on a perforated stub. The stub must contain the language of **13-12-209(3) and 20-20-401, MCA** and be stamped "Official Ballot" as described in **13-13-116, MCA**.

What polling places should be used?

If a school election is not being held in conjunction with any other election, the board of trustees may set up polling places in any appropriate place in the district, using the same polling places used for the general election whenever possible. There should be one polling place per district, unless the trustees establish additional places. If more than one polling place is established in the district, the trustees must establish the boundary lines of each place, using the county precinct lines. If the polling places are different from the places used in the previous school election, that fact must be included in the trustees' resolution calling for the election. **20-20-203, MCA**

How are election judges obtained?

The school trustees, or if so requested, the county election administrator, must appoint election judges (three judges per polling place) when they issue the call for the election. Often the county election administrator will provide the names of experienced election judges who may be hired. The judges at each polling place choose a clerk of election judges from among themselves. If any election judge is absent on Election Day, the electors present at the polling place may choose a replacement judge. **20-20-203 and 20-20-402, MCA**. Judges must be paid in accordance with **13-4-106, MCA**.

What are the qualifications of and restrictions on election judges?

Election judges must be registered voters in the county and precinct in which they serve. No election judge may be a candidate or candidate's spouse, ascendant or descendant, brother or sister of a candidate or candidate's spouse, or the spouse of any of these in an election precinct where the candidate's name appears on the ballot (see chart in this Handbook). **13-4-107, MCA**

It is not illegal for a judge to be a campaign treasurer or manager or a more distant relative of any candidate. However, it is preferable not to use election judges whose role or judgment might be questioned. If such a person must be used as an election judge, it is wise to ensure that the judge always has witnesses present when handling ballots or other election materials. A sitting trustee may not serve as an election judge, since trustees hire the election judges. **20-9-204, MCA**

Can Election Judges be excluded from unemployment insurance?

Yes. Election judges are exempt from unemployment insurance coverage if the payment they received is less than \$1,000 in a calendar year. **13-4-106, MCA**

When should the polls be opened and closed?

The trustees will set the opening of the polls in their resolution. The polls may open no later than noon, although the polls may be opened as early as 7:00 a.m. The polls must close at 8:00 p.m. or may close earlier if *all* registered voters have voted. **20-20-106, MCA**

Who counts the ballots?

The election judges tally the ballots, unless a voting machine or device is used. Election judges should begin the count as soon as the polls close. The count must be open to public observation. Ballots may be counted earlier if a sequestered counting board performs the counting. Upon completion of the tally, election judges should complete election return forms (*See TALLY SHEET – TRUSTEE ELECTION, TALLY SHEET – PROPOSITION, TALLY SHEET – PROPOSITION ELECTION JUDGES' RETURN SHEET*) giving the election results. One sheet should be posted at the "return" place, and the other sheet should be returned to the election administrator. The voted ballots should be sealed in an envelope marked "ballots voted." Unused ballots should be sealed in a separate envelope. The precinct register, poll book, tally sheets and list of challenged voters, if any, should be sealed in another envelope and presented, unopened, to the school trustees to be canvassed. Each election judge should sign his or her name across the seal of all envelopes. **13-15-101 and 13-15-103, MCA**

What is canvassing the vote?

Canvassing means to review the tally sheets, poll books, or registers for any potential error, and to certify the results. Canvassing does not include opening sealed envelopes of tallied ballots and recounting them. The school trustees must canvass the vote at the first regular or special meeting after the election. After the canvass is completed and the election is certified, the trustees issue certificates of election designating the terms of the election. Trustees must send a copy of the certificate to each candidate and the county superintendent. Certificates specifying the outcome of propositions should be issued within 15 days to the body that called the election. When the election was called by a trustee resolution, the election results must be published immediately in

a newspaper that will give notice to the greatest number of people in the district. **20-20-416, MCA**

How long must the clerk or county election administrator retain election materials?

The voted ballots, detached stubs, unvoted ballots and unused ballots must be kept in their **unopened** packages for 12 months, or until any court case involving that election has been resolved, whichever period is longer. After the end of the retention period, those materials may be destroyed, still in their unopened packages.

The Secretary of State's retention schedule for other election materials is:

- ✓ Pollbooks, registers, tally sheets – 12 months
- ✓ Election results ("Abstracts") – Forever (as part of the board's minutes, or in a separate book) **13-1-303, MCA**

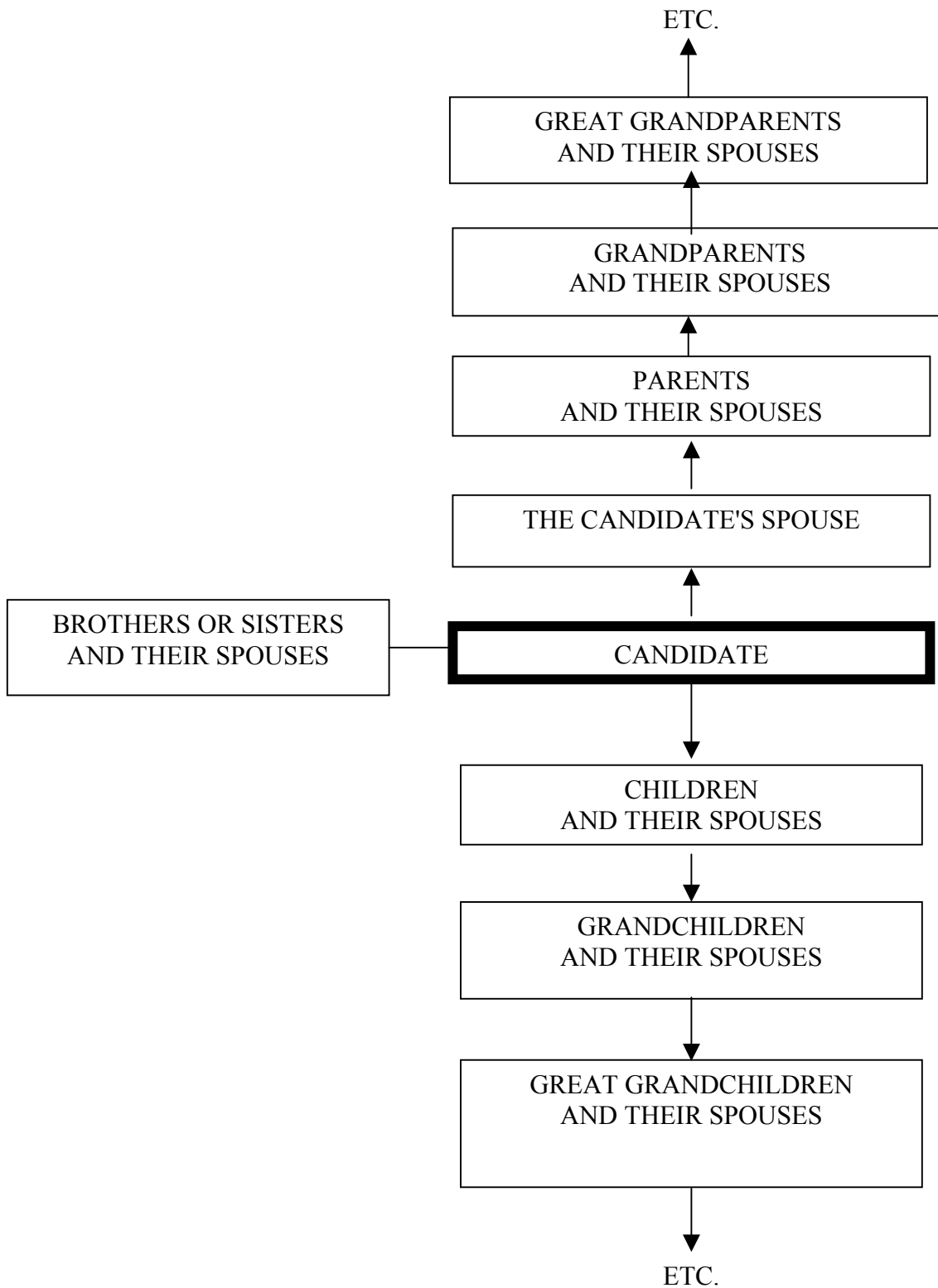
What happens in the case of a tie in a school board election?

After a recount, if the result of the election is still a tie, the board of trustees will appoint one of the candidates to fill the vacancy until the next regular school election is held (one year). **13-16-507, MCA**

When is a recount appropriate?

If a candidate or ballot question is defeated by a margin not exceeding 1/4 of 1 percent of the total votes cast for all the candidates or all the votes cast for or against the ballot question, or 10 votes, whichever is greater, a recount is appropriate. Also, if the board of canvassers find an error in the election's returns during a canvass, they may immediately file a petition with the election administrator requesting a recount. Since the recount must be open to the public and the candidates must be given the opportunity to be present, a recount should not be held the same day as the canvass. **13-16-201, MCA**

RELATIVES WHO MAY NOT SERVE AS ELECTION JUDGES



SPECIAL ELECTIONS

What is a "special election?"

A special election is any election other than a statutorily scheduled primary or general election. It may be held for any purpose, and may be held on the same day as a regular election. For school election purposes, the school board of trustees must call a special election if one is desired.

What are some reasons for holding a special school election?

Additional General Fund Financing

A General Fund election may be held only on the regular school Election Day, the first Tuesday after the first Monday in May.

The ballot for a General Fund budget election for a disequalized district is specified in **20-9-353, MCA**. (Sample ballot in this Handbook)

The ballot for a General Fund election for an equalized district must comply with **15-10-425, MCA**. (Sample ballot in this Handbook)

To pass, the proposition must be approved by a majority of the votes cast in the election.

If the proposition passes, the trustees certify the additional amount of financing authorized by the special election on the budget form and submit the form to the county superintendent. The county commissioners will levy the necessary number of mills on the taxable value of property within the district to raise the money as authorized by the voters. **20-9-141 and 20-9-353, MCA**

Building Reserve

A successful building reserve election authorizes the school district to levy and accumulate money for a building project or capital improvements. The proposition specifies a certain sum of money to be levied in equal annual amounts over a specific number of years, up to 20 years.

A building reserve levy can be used to finance future construction, equipping, or enlarging of school buildings. It may also be used to purchase land needed for school purposes or for funding school transition costs as provided in **20-9-502(5), MCA**. Its use is dependent upon what has been expressed in the trustee resolution calling the election and what is stated in the ballot proposition.

The proposition must be substantially in compliance with **15-10-425, MCA**.

The total amount of building reserve, less transition costs as provided for in **20-9-502(5), MCA**, when added to the outstanding indebtedness of the school district, including all indebtedness represented by outstanding bonds of previous issues and registered warrants, may not exceed 45 percent of the taxable value of the property subject to taxation. **20-9-406, MCA**

To pass, the proposition must be approved by a majority of votes cast in the election. **20-9-502 and 20-9-503, MCA**

Technology Acquisition and Depreciation

In addition to the state funds received pursuant to **20-9-533(2), MCA**, the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund the depreciation of technological equipment. The election must be called and conducted in the manner prescribed by Title 20 for school elections and in the manner prescribed by **15-10-425, MCA. 20-9-533, MCA**

District Consolidation/Annexation

Consolidation occurs when two or more districts join to form a new district. Annexation occurs when a smaller district attaches to the boundaries of and becomes part of an existing district.

The boards of trustees of each district involved must jointly decide to consolidate or annex a district (with or without the bonded indebtedness of each district involved), then petition the county superintendent through a resolution to order an election. Within 10 days of receipt of the petition, the county superintendent shall order the trustees to call an election. **20-6-203 and 20-6-315, MCA**

-- If Consolidation is approved by the voters, the county superintendent will order consolidation within 10 days of receipt of the election certificate issued by the district trustees (except for those time limitations detailed under **20-6-202 and 20-6-314, MCA**). The county superintendent will appoint the trustees for the consolidated district who will serve until the next regular school election. **20-6-203 and 20-6-315, MCA**

-- If Annexation is approved, the county superintendent will order annexation to occur within 10 days of receipt of the election certificate issued by the district trustees. If the annexation was passed with the assumption of bonded indebtedness, the annexation order will include the total taxable valuation of the annexed territory that the annexing district will assume. **20-6-205, 20-6-318 and 20-6-319, MCA**

Creation of a Joint District

A proposition is passed by a majority of voters in each of two or more districts whose land is contiguous and located in more than one county. The county superintendents of the counties involved will jointly perform the duties required for consolidation and annexation of districts. A hearing process is used when territory is transferred from one district to another or when a new district is created. **20-6-213 (5), 20-6-309, and 20-6-320, MCA**

Dissolution of a Joint District

A petition must first be signed by a majority of the electors residing in the territory of the joint district and be delivered to the county superintendent to place the proposition on a ballot. The election passes if either: 1) a majority of joint district electors vote in favor of the dissolution during an election for that purpose; or 2) two-thirds of the electors voting at one of the elections held in a county's portion of the joint district vote in favor of the dissolution and the county superintendents involved agree that the dissolution will not place an undue hardship on any other county's portion. **20-6-211, MCA**

County High School Unification

A county high school may be unified with an elementary district where the county high school building is located to establish a unified school system under a unified school board. **20-6-312, MCA**

Following the voters' approval of the unified district, the county superintendent creates the boundaries of the unified high school district. The part of the high school district that is not located within the unified elementary district then can come forward and request representation on the unified board for high school matters. If no request for representation is made, then the board operates with only trustees elected from the area where the elementary district was located. This continues until the county superintendent orders otherwise. **20-3-352, 20-3-353, MCA**

Opening a Junior High School when the High School District Operates a County High School

When joint boards of trustees, with representatives from the elementary district and the high school district operating a county high school, resolve to open a junior high school they offer the proposition to the voters of the district. If the proposition is approved by a majority of the voters, the trustees apply to the Superintendent of Public Instruction for approval to open a junior high school. **20-6-505, MCA**

Joint Interstate School Agreements

Interstate school agreements between a district and a contiguous (edging) state for any purpose approved by the trustees of the district and the Superintendent of Public Instruction may be entered into after the contract has been approved by the electors of that district. The wording of the ballot must be in substantially the same form shown in the law. **20-9-705, MCA**

Fund Transfers from Bus Depreciation Fund to any Other Fund Maintained by the District

If the trustees of a district have sold or otherwise disposed of all buses owned by the district, electors may be asked to approve a transfer of funds from the bus depreciation fund to another fund in the district. If a majority of people voting at the election approve the transfer of funds, the trustees will immediately direct the county treasurer to make the transfer. **20-10-147, MCA**

Overrule County Transportation Committee's Approved Routes or Service Areas

When the qualified electors of a district object to the decision of the county transportation committee and an adjacent district is willing to provide school bus service, 20 percent of the qualified electors of the district may petition the trustees to conduct an election of the proposition that the territory of such district be transferred for transportation purposes to the consenting adjacent district. The trustees will call an election for the next regular school Election Day. If a majority of those people voting approve the transfer, it will become effective on July 1 of the coming school fiscal year. **20-10-132, MCA**

School Flexibility Fund

In addition to state flexibility payments under **20-0-542, MCA**, trustees may ask voters to approve a levy for purposes listed in **20-9-543, MCA**. This is an annual levy. **20-9-544, MCA**

Is a school election necessary if a school district wants to acquire real property?

Voter approval is required for school district acquisition of real property unless:

- ✓ the electors have already authorized a bond issue or approved an additional levy for building, purchasing or acquiring a site or building, or
- ✓ the cost can be absorbed without exceeding the maximum general fund budget, or
- ✓ the district has available funds and the site has been approved by the voters. **20-6-603, MCA**

No election is required if the site is contiguous to an existing site currently in use for school purposes. A site approval election is also not necessary when the site was specifically identified during an election that approved an additional levy or issued bonds for its purchase.

MAIL BALLOT ELECTIONS

When may a mail ballot election be held?

A mail ballot election may be the best option when seeking to improve turnout or reduce election costs. Use of the mail ballot procedures is entirely optional and within the discretion of the affected jurisdiction and election administrator. **13-19-101, 13-19-104, 13-19-106, 13-19-206, and 13-19-311, MCA**

When may a mail election NOT be conducted?

A school district may conduct an election by mail ballot except as prohibited by law. An election by mail ballot is not an option when:

- the election is a regularly scheduled federal, state, or county election;
- the election is a special federal or state election, unless authorized by the legislature; or
- the election is a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day. **13-19-104, MCA**

In general, this means:

- The trustee's election held on the regular school Election Day may be held by mail ballot unless another political subdivision is holding an election at the polls in conjunction with the trustee's election. The trustee's election cannot use a mail ballot if any special school election is held along with the trustee's election, or if any non-school election is held with the trustee's election and is held at the polls.
- A special school election held on the regular school Election Day may be done using a mail ballot if there are no trustee's elections or other special elections in the district on that day.
- A special school election held on a day other than the regular school Election Day may be held by mail ballot if it is the only election being held that day. If another issue is held in conjunction with that special election, neither election can be held using a mail ballot election.

How is a mail ballot election started?

The election administrator or the school trustees may initiate a mail ballot election. The election administrator is the only person who actually inaugurates a mail ballot election. The trustees may ask the election administrator to conduct an election by passing a resolution, at least 70 days before the election, asking for such an election. The election administrator may choose to hold or not hold an election by mail. Once the election administrator decides to conduct a mail ballot election, a written plan and timetable (see ***Prescribed Written Plan for Mail Ballot Elections***) must be completed and submitted to the Secretary of State at least 60 days prior to the election for approval. **13-19-201 through 13-19-205, MCA**

Is a mail ballot election conducted any differently than a regular election?

Mail ballot elections are conducted under regular election law. Obviously, there are a number of steps needed for a regular election (using polls and election judges, for example) that are not needed for a mail ballot election. Similarly, there are some additional provisions for conducting mail ballot elections that are not needed for regular elections. For instruction, an election administrator should thoroughly read Chapter 19 of Title 13, and the Administrative Rules of Montana (ARM) dealing with mail ballot elections (ARM 44.9.101 through 44.9.405). Additional assistance is available from the Secretary of State's Elections Bureau.

How does the election administrator prepare for a mail election?

Election administrators begin the process for a mail election by preparing a written plan, including a timetable, for the conduct of the election and submitting it to the Secretary of State at least 60 days prior to the date set for the election.

The election administrator may amend the plan any time prior to the 35th day before Election Day by notifying the Secretary of State in writing of any changes.

Within five days of receiving the plan, and as soon as possible after receiving any amendments, the Secretary of State shall approve, disapprove or recommend changes to the plan or amendments.

When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan. **13-19-205, MCA**

What guidelines are used to prepare a mail ballot?

Mail ballot elections must be conducted as follows:

Official ballots must be prepared and all other initial procedures followed as otherwise provided by law and administrative rule.

An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

The elector shall mark the ballot at home and place it in a secrecy envelope.

The elector shall then place the secrecy envelope containing his/her ballot in a return/verification envelope and shall return it by mail or deliver it to a place of deposit designated by the election administrator so that the ballot is received prior to 8:00 p.m. on Election Day.

Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it was submitted by a qualified elector who has not previously voted.

If the ballot so qualifies and is otherwise valid, officials shall then open the return/verification envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box.

After the close of polls on Election Day, voted ballots must be counted and canvassed as otherwise provided by law. Ballots may be counted before the polls close, if done by a sequestered counting board. **13-19-106, MCA.**

What materials are needed to conduct a mail election?

A single packet of materials must be mailed to every qualified elector of the political subdivision conducting the election. Each packet will contain:

- an official ballot;
- a secrecy envelope;
- a return/verification envelope;
- a form prescribed by the Secretary of State for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct address; and
- complete written instructions for voting and returning ballots. **13-19-206, MCA**

The election administrator must also ensure that each packet is:

- addressed to a single individual elector at the most current address available from the official registration records;
- deposited in the United States mail with sufficient prepaid postage for it to be delivered to the elector's address. **13-19-206, MCA**

NOTE: Mail elections are useful for bond elections when the election is not held in conjunction with any other election, since it is important to have a certain percentage of the registered electors participate in a bond election. **A note of caution:** Problems have been encountered in mail elections if the registered voters' list has not been updated by a recent election. It is possible for mail ballots to be sent to incorrect addresses and even to previously registered voters who did not vote in the last general election, and therefore are not considered qualified.

FORMS FOR RUNNING FOR OFFICE

OATH OF CANDIDACY	26
AFFIDAVIT FOR PERSON CIRCULATING PETITIONS	27
PETITION FOR NOMINATION OF SCHOOL BOARD TRUSTEE	28
CERTIFICATION OF PETITION	29
DECLARATION OF INTENT FOR WRITE-IN CANDIDATES	30

Filed

Date/Time

X _____

OATH OF CANDIDACY

To the Election Administrator of School District # _____, _____ County, State of Montana:

I, the undersigned citizen of the United States of America and resident of the State of Montana, possessing the qualifications prescribed by the Constitution and laws of the State of Montana for the office of School District Trustee, declare, pursuant to **13-10-501, MCA**, that I am a nonpartisan candidate for School District Trustee for a term of _____ years of School District # _____ in the Annual School Trustee Election to be held in said district on _____ day of _____, 20____.

1. My name, as it is to appear on the official ballot is:

2. My mailing address is:

Street and Number or Post Office Box _____

City, State and ZIP Code _____

3. My telephone numbers are: _____ Home _____ Work _____

DATED this _____ day of _____, 20____

(Signature of Candidate, as it appears above)

(The Candidate must sign and acknowledge this Oath of Candidacy before a Notary Public, if mailed, or before the Election Administrator or Deputy, if delivered in person.)

STATE OF MONTANA)
) ss.
County of _____)

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____,
by _____ (name of candidate).

(SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at: _____

My Commission Expires: _____

Signature of Election Administrator

13-14-113, MCA (Candidate: Submit to Election Administrator with Petition of Nomination.)

AFFIDAVIT FOR PERSON CIRCULATING PETITIONS
13-10-503 and 13-27-302, MCA

AFFIDAVIT

I, _____, affirm, or being first sworn, depose and say that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose name they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and the signers knew the contents of the petition before signing the same.

Print Name of Petition Circulator

Signature of Petition Circulator

Address of petition circulator _____

City, State, ZIP Code _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Print name of person authorized to take oaths

Signature of person authorized to take oaths

Title or notarial information

PETITION FOR NOMINATION OF SCHOOL BOARD TRUSTEE

To the Election Administrator of School District No. _____, _____ County,
State of Montana:

We, the undersigned qualified electors of School District No. _____, _____
County, State of Montana, hereby nominate, in accordance with **20-3-305, MCA**:

Complete printed name of candidate _____

Street and Number or Post Office Box _____

City, State and ZIP Code

for the office of School Board Trustee for School District No. _____ for a term of _____ years and respectively request that the candidate's name, as set forth above, be placed on the ballot in the Annual School District Election to be held _____ day of _____, 20____.

Signature

Print name

Street Address or PO Box[illegible]

This petition for nomination must be filed with the Election Administrator of the District not later than 40 days prior to the election. Signatures of five (5) qualified voters are needed for each nomination, except for a trustee in a first class district, for which 20 signatures are needed. It is advisable to obtain several additional signatures in case some of the signatories are found to be nonqualified as voters. **(20-3-305, MCA)**

CERTIFICATION OF PETITION
(To be completed by the County Election Administrator)

I, _____, Election Administrator of _____ County, State of Montana, do hereby affirm and certify as follows:

1. That on _____ day of _____, 20_____, the attached completed petition was filed with me;
2. That within 15 days thereafter I carefully examined the petition and the county records showing the qualifications of the petitioners;
3. That the total number of persons who are registered electors in School District No. _____, is _____;
4. That the _____ persons whose names are subscribed to the petition and by whose signatures I have marked are possessed of all the qualifications required of signers to such petition; and
5. For school district bond elections only: That such qualified signers constitute more (or less) than 20 percent of the registered electors of the county.

DATED this _____ day of _____, 20_____.

Election Administrator

County

, Montana

20-3-305, 20-3-344, and 20-9-424, MCA

DECLARATION OF INTENT FOR WRITE-IN CANDIDATES
For School District Trustee

To the School District Clerk/Election Administrator of School District No. _____, _____ County,
State of Montana:

I, the undersigned citizen of the United States of America and resident of the State of Montana and of the above named school district, possessing the qualifications prescribed by the Constitution and laws of the State of Montana for the office of School District Trustee, declare pursuant to **13-10-211, MCA**, that I am a write-in candidate for the office of School District Trustee at the Annual Regular School District Election to be held on the ____ day of _____, 20____, and that I further certify that this declaration serves as my declaration of acceptance of the election pursuant to **13-10-204** and **13-15-111, MCA**.

1. Name of Candidate (Print): _____

2. Mailing address: _____

3. Telephone No.: _____
Home Work

DATED this ____ day of _____, 20____
(Signature of Candidate)

Candidate must sign and acknowledge his/her Declaration of Intent before a notary public (if mailed) or before the School District Clerk/Election Administrator (if delivered in person).

On this ____ day of _____, 20____,
(Name of Candidate)

having provided proper identification or being personally known to me, appeared before me and subscribed the foregoing Declaration of Intent.

STATE OF MONTANA)
) ss.
County of _____)

Signed and sworn to (or affirmed) before me this ____ day of _____, 20____,
by _____ (name of candidate).
(SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at: _____

My Commission Expires: _____

Signature of Election Administrator

This Declaration of Intent for a Trustee position must be submitted to the school district clerk/election administrator by 5:00 pm the 26th day before the election, or no later than 5:00 pm the day before the election if, after the deadline prescribed in **13-10-211(1), MCA**, a candidate for the office: a) dies; b) withdraws from the election; or c) is charged with a felony offense. **13-10-211(2 & 3), MCA**

FORMS FOR ELECTION PROCEDURES

TRUSTEE RESOLUTION CALLING FOR AN ELECTION	32
CERTIFICATION OF NOTIFICATION OF ELECTION ADMINISTRATOR	33
NOTICE OF ANNUAL SCHOOL TRUSTEE ELECTION	34
NOTICE OF ELECTION CANCELLATION	35
TRUSTEE ELECTION BY ACCLAMATION	36
AFFIDAVIT OF POSTING NOTICES OF ELECTION	37
OFFICIAL BALLOT – SCHOOL TRUSTEE ELECTION	38
OFFICIAL BALLOT – Equalized District	39
OFFICIAL BALLOT – Disequalized District	40
OFFICIAL BALLOT – FLEXIBILITY FUND LEVY	41
OFFICIAL BALLOT – TECHNOLOGY ACQUISITION AND DEPRECIATION FUND LEVY ..	42
ESTIMATING THE TAX IMPACT OF MILL INCREASES	43
ABSENTEE VOTING IN SCHOOL DISTRICT ELECTIONS	44
APPLICATION FOR ABSENTEE BALLOT	45
CERTIFICATE AND RECORD OF ABSENTEE BALLOTS	46
OATH OF THE JUDGES OF ELECTION	47
TALLY SHEET – TRUSTEE ELECTION	48
TALLY SHEET – PROPOSITION	49
TALLY SHEET – PROPOSITION ELECTION JUDGES’ RETURN SHEET	50
CERTIFICATE OF ELECTION OF TRUSTEE	51
OATH OF OFFICE	51
CERTIFICATE OF PROPOSITION ELECTION RESULTS	52
CERTIFICATE OF ELECTION FOR SPECIAL ELECTION	53
PRESCRIBED WRITTEN PLAN FOR MAIL BALLOT ELECTIONS	54
REPLACEMENT MAIL BALLOT REQUEST	57
DISTRICT RESIDENCY FORM	58
CERTIFICATION OF MATERIALS FOR ATTORNEY GENERAL’S REVIEW	59
CERTIFICATE OF APPOINTMENT OF CLERK	60

TRUSTEE RESOLUTION CALLING FOR AN ELECTION

BE IT RESOLVED, the Board of Trustees for School District No. _____, _____ County, State of Montana, will hold the Annual Regular School Election on Tuesday, the _____ day of _____, 20____, which date is not less than forty (40) days after the passage of this resolution.

The polls will be open from 12:00 noon until 8:00 p.m.

The purpose of the election is to elect _____(____) trustees for a three-year term, or as otherwise designated. Approval of additional levies to operate and maintain the _____ school(s) for the _____ - _____ school year will also be requested.

Three electors of this district who are qualified to vote at such election are hereby appointed to act as judges at the election at each voting place as follows:

<u>Name</u>	<u>Address</u>	<u>Voting Place</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

BE IT FURTHER RESOLVED, that the clerk of this school district is hereby directed to notify the above named election judges of their appointment and to notify the county election administrator of the date of holding said election, and request him/her to close registration and to prepare and furnish election materials as required by law.

No further proceedings were conducted relating to the election.

_____ Print Name of Board Chair	_____ Signature of Board Chair
------------------------------------	-----------------------------------

_____ Print Name of District Clerk	_____ Signature of District Clerk
---------------------------------------	--------------------------------------

DATED this _____ day of _____, 20____.

20-20-201, MCA

CERTIFICATION OF NOTIFICATION OF ELECTION ADMINISTRATOR

I, _____ District Clerk of School District No. _____,
do hereby certify that on _____ day of _____, 20____, I notified
_____, the Election Administrator of said County, of the
calling and date of the bond election by furnishing him/her with a copy of Resolution No. _____
which called the election and set forth the pertinent details thereof.

Clerk, School District No. _____

County
Address _____

20-20-201, MCA

NOTICE OF ANNUAL SCHOOL TRUSTEE ELECTION

Notice is hereby given by the undersigned Clerk of School District No. _____ ,
_____ County, State of Montana that the Annual Election of School Trustees will
be held on Tuesday, May _____, 20____, at the following polling place(s):

The election will be held for the purpose of electing:

_____ Trustee(s) to be elected for a (____) year term,
_____ Trustee(s) to be elected for a (____) year term,
_____ Trustee(s) to be elected for a (____) year term.

The polls will be open between the hours of _____ and 8:00 p.m. on the day of the election.

A qualified registered elector who will be unable to go to the polls on the day of election may
request an "Application for Absentee Voter's Ballot" from the school district clerk/election
administrator's office located at:

Address of School: _____

DATED _____ day of _____, 20____

Print Name of District Clerk

Signature of District Clerk

20-20-204, MCA

NOTICE OF ELECTION CANCELLATION

WHEREAS, the number of candidates for the position(s) on the _____ School Board of Trustees, District No. _____ is equal to the number of positions to be elected, and there is no other reason for the election, the _____ School Election is hereby cancelled.

DATED this _____ day of _____, 20____.

Print Chairperson's Name

Signature of Chairperson

Print Trustee's Name

Signature of Trustee

Print Trustee's Name

Signature of Trustee

Print District Clerk's Name

Signature of District Clerk

TRUSTEE ELECTION BY ACCLAMATION

WHEREAS, The Board of Trustees of _____ School District No. _____, _____ County, State of Montana, have a nominating petition equal to the position to be elected and have received no “intent to be a write-in candidate” by the date required in Section 13-10-211, MCA, and there is no other reason for the election.

THEREFORE, the regularly called for Trustee Election will not be held and the necessary twenty-five (25) day Notice of Cancellation has been made.

BE IT RESOLVED, that Trustee candidate _____ is hereby duly elected by acclamation for a three-year term to the Board of Trustees of _____ School District No. _____.

APPROVED this _____ day of _____, 20____

Print Chairperson's Name

Signature of Chairperson

Print District Clerk's Name

Signature of District Clerk

AFFIDAVIT OF POSTING NOTICES OF ELECTION

STATE OF MONTANA)
) ss.
County of _____)

_____ being first duly sworn on oath, deposes and says:

That he/she is the duly appointed, qualified and acting Clerk of _____ School District No. _____ County of _____, State of Montana.

That the affiant posted copies of the Notice of School District Election, identical with the copy of notice shown in this transcript, on the _____ day of _____, 20____, the same being not less than twenty (20) days, nor more than thirty (30) days prior to said election, in three public places in said school district, (in each ward) (*) to-wit:

One notice at _____

One notice at _____

One notice at _____

and that he/she gave notice of the date of holding the said election to the County Election Administrator as provided by law.

Clerk, School District No. _____

County
State of Montana

STATE OF MONTANA)
) ss.
County of _____)

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____,
by _____ (name of clerk).

(SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at: _____

My Commission Expires: _____

Signature of Election Administrator

*NOTE: In incorporated cities and towns at least one notice must be posted at a public place in each ward. In other districts notice must be posted in three public places.

20-20-204, MCA

STUB

NO. _____

This ballot should be marked with an "X" in the square before the name of each individual or candidate for whom the elector intends to vote. The elector may write in or affix a preprinted label in the blank spaces or over any other name, the name of an individual for whom he wishes to vote and vote by marking an "X" in the square before the name. If a ballot contains a constitutional amendment or other issue to be submitted to a vote of the people, it is voted on by marking an "X" in the square before the amendment or issue.

OFFICIAL BALLOT - SCHOOL TRUSTEE ELECTION

School District No. _____ of _____ County, State of Montana.

DATED this _____ day of _____, 20____.

VOTE IN ALL COLUMNS

Instructions for voters: Make an X or similar mark in the vacant square before the name of the candidate for whom you wish to vote.

(Title of Office)
(for a ____ year term)
(Vote for ____)

☐

NAME

☐

NAME

☐

NAME

☐

NAME

☐

NAME

☐

NAME

Note: Have the same number of write-in lines as there are openings in each office.

☐

☐

☐

☐

(Title of Office)
(for a ____ year term)
(Vote for ____)

☐

NAME

☐

NAME

☐

NAME

☐

NAME

☐

NAME

☐

NAME

Note: Have the same number of write-in lines as there are openings in each office.

☐

☐

☐

☐

STUB

NO. _____

This ballot should be marked with an "X" in the square before "FOR the additional levy" if you wish to vote in favor of the levy or mark an "X" in the box before "AGAINST the additional levy" if you oppose the tax levy.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20____.

Suggested Proposition for Equalized Districts
--

OFFICIAL BALLOT
(Equalized District)

"Equalized" districts budgeting between the BASE and Maximum must obtain voter approval for an increase in the number of dollars budgeted for the over-BASE tax levy. Section **15-10-425, MCA**, requires the ballot proposing to increase the over-BASE levy amount to INCLUDE THE FOLLOWING INFORMATION:

PROPOSITION

Shall the trustees be authorized to impose an increase in local taxes to support the general fund in the amount of \$ (state the dollars) which is approximately (state the approximate number of mills) mills for the purpose of (state the purpose) ? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ (state number of dollars) and on a home with a market value of \$200,000 by approximately \$ (state number of dollars) .

☐

FOR the additional levy

☐

AGAINST the additional levy

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

15-10-425 and 20-9-353 (2), MCA – SUGGESTED ballot for districts budgeting in the equalized range.

STUB

NO. _____

This ballot should be marked with an "X" in the square before the words "FOR budget authority and any levy" if you are in favor of the proposition or mark an "X" in the square before the words "AGAINST budget authority and any levy if you oppose the proposition.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20 _____.

Required Proposition for Disequalized Districts

**OFFICIAL BALLOT
(Disequalized District)**

"Disequalized" districts budgeting above the Maximum must obtain voter approval for the portion of the budget that exceeds the maximum. Section 20-9-353(3), MCA, requires the ballot for the portion of the budget that exceeds the Maximum MUST be in the following format:

PROPOSITION

Shall the district be authorized to expend the sum of \$ _____ (state the additional amount to be expended) and being approximately (state the number of mills) _____ mills for the purpose of _____ (insert the purpose for which the additional financing is made) ?

☐

FOR budget authority and any levy

☐

AGAINST budget authority and any levy

(The ballot language above presents the exact wording of the REQUIRED ballot language. No deviation is allowed by law.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

15-10-425 and 20-9-353(3), MCA – REQUIRED ballot for districts budgeting over maximum.

STUB

NO. _____

This ballot should be marked with an "X" in the square before the words "FOR the Flexibility Fund levy" if you are in favor of the proposition or mark an "X" in the square before the words "AGAINST the Flexibility Fund levy" if you oppose the proposition.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20 _____.

**OFFICIAL BALLOT
FLEXIBILITY FUND LEVY**

PROPOSITION

Shall the district be authorized to impose a levy the sum of _____ (state the dollars) dollars and being approximately (state the approximate number of mills) _____ mills to fund the school Flexibility Fund in the school district? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ _____ (state number of dollars) and on a home with a market value of \$200,000 by approximately \$ _____ (state number of dollars) .

☐

FOR the Flexibility Fund levy

☐

AGAINST the Flexibility Fund levy

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

20-9-544(3), MCA – District school flexibility fund levy. (sample recommended)

STUB

NO. _____

This ballot should be marked with an "X" in the square before the words "FOR the Technology Acquisition and Depreciation Fund levy" if you are in favor of the issue or mark an "X" in the square before the words "AGAINST the Technology Acquisition and Depreciation Fund levy" if you oppose the issue.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20 _____.

OFFICIAL BALLOT
TECHNOLOGY ACQUISITION AND DEPRECIATION FUND LEVY

PROPOSITION

Shall the district be authorized to annually levy the sum of _____ (state the dollars) dollars and being approximately _____ (state the approximate number of mills) mills for the purpose of purchasing, renting, repairing and maintaining technological equipment, including computers and computer network access and the associated technical training for school district personnel? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ _____ (state number of dollars) and on a home with a market value of \$200,000 by approximately \$ _____ (state number of dollars).

☐

FOR the Technology Acquisition and Depreciation Fund levy

☐

AGAINST the Technology Acquisition and Depreciation Fund levy

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

20-9-544(3), MCA – Technology Acquisition and Depreciation Fund levy. (sample recommended)

ESTIMATING THE TAX IMPACT OF MILL INCREASES

For School Ballot Issues

HB179, passed by the 2001 Legislature, requires that ballots for school elections must state the estimated tax impact of the proposed ballot issue on the taxes assessed on a house with a market value of \$100,000 or \$200,000.

This example shows how to calculate the tax impact of a FY2002-03 general fund levy increase of \$6,800 on a house valued at \$100,000 or \$200,000. This example assumes the district is proposing a tax increase from \$35,700 to \$42,500 and that taxable valuation was \$1,008,000 for tax year 2001 and is estimated to be \$1,000,000 for tax year 2002.

1	House with Market Value of:		\$100,000	\$200,000
2	Less: Residential Exemption for Tax Year 2002 -- 31%		\$ 31,000	\$ 62,000
3	Equals: Market Value after Exemption (line 1 – line 2)		\$ 69,000	\$138,000
4	Times: Assessment Rate (15-6-134, MCA)	3.46% 0.0346		
5	Equals: Taxable Valuation (line 3 X line 4)		\$2,387.40	\$4,774.80
6	Estimated Mills FY2002-03:			
	FY2002-03 Levy Amt divided by (2002 Taxable Valuation X 0.001) \$42,500 divided by (\$1,000,000 X 0.001) =	42.50 mills		
7	Actual Mills FY2001-02:			
	FY2001-02 Levy Amt divided by (2001 Taxable Valuation X 0.001) \$35,700 divided by (\$1,008,000 X 0.001) =	35.42 mills		
8	Increase (Decrease) in Mills: (line 6 – line 7)	7.08 mills		
9	Impact of Proposed Tax Increase: (line 8 X line 5 X 0.001)		\$16.90	\$33.81

Other requirements of HB179:

- a. New disclosure requirements apply to elections held on or after October 1, 2001.
- b. Disclosure requirements apply to a regular or special school election that proposes to impose or raise a mill levy. An election to adopt a general fund budget that exceeds the Maximum is not subject to this disclosure but instead must use ballot a language in **20-9-353, MCA**.
- c. The ballot must include:
 - specific purpose for which the money will be used;
 - specific amount to be raised;
 - approximate number of mills required; and
 - durational limit, if any (i.e., If the law allows one election to levy for a stated number of years, state the number of years. Otherwise, the election applies for one year only.)
- d. The ballot must state the tax impacts for houses valued at \$100,000 and \$200,000 and MAY ALSO state the tax impact for a house of another value.

ABSENTEE VOTING IN SCHOOL DISTRICT ELECTIONS

1. Any qualified, registered elector may apply for a ballot at any time after the posting of the notice of the election.
2. Application for an absentee ballot shall be made in writing to the school district clerk AND the county election administrator if non-school issues are being considered on that Election Day. A sample form follows.
3. Application blanks shall be sent by the school district clerk/election administrator to any elector requesting the same. The school district clerk/election administrator shall, upon receipt of an application, compare the signature on the application to the signature on the voter registration card. If convinced that the applicant is the same as the one whose name appears on the registration card, he/she shall deliver or mail the ballot.
4. The school district clerk/election administrator will immediately mail ballots, with (a) a secrecy envelope, free of any marks that would identify the voter; (b) a self-addressed, return envelope with affirmation printed on the back of the envelope; and (c) instructions, to each elector from which a valid application has been received.
5. The voter, before casting the ballot, shall sign the affidavit on the return envelope and then such voter shall mark the ballot without exposing his/her vote, fold the ballot, place such ballot in the secrecy envelope and securely seal. The sealed secrecy envelope shall then be placed in the self-addressed, return envelope and sealed. Said envelope shall be mailed by the voter or delivered to the school district clerk/election administrator.
6. Upon receipt of such envelope, the school district clerk/election administrator shall immediately attach the elector's application to the envelope and mark the precinct number for delivery to the polls or counting center.

13-13-212, 13-13-213, 13-13-214, 13-13-221 and 13-13-241, MCA

APPLICATION FOR ABSENTEE BALLOT

During a period beginning 75 days before Election Day and ending at noon on the day before the election, an elector may apply to the Election Administrator for an absentee ballot. **13-13-211, MCA**

The elector may request the application by mail or in person by submitting a signed, written request to the school district clerk/election administrator.

A qualified elector unable to vote at the polls as a result of illness or health emergency may request to vote by absentee ballot. The elector may request by telephone, fax, or other means to have a ballot and application personally delivered by the special absentee election board.

Electors must apply for each election separately.

13-13-212, 13-13-213, and 13-13-214 MCA

I, _____, the undersigned, being a duly qualified elector of _____ School District No. _____, _____ County, State of Montana, do hereby make application for an official ballot for the next election:

DATED this _____ day of _____, 20____.

Print Elector's Name

Signature of Elector

Mail ballots to me at this address:

INSTRUCTIONS TO ABSENTEE VOTERS IN SCHOOL ELECTIONS

Immediately after receiving your ballot(s):

- 1) Read the entire ballot carefully.
- 2) Complete the affirmation on the reverse side of the self-addressed, return envelope, signing your name as you are registered.
- 3) Place an (X) in the square before the name of your candidate(s) and/or proposition(s) of your choice.
- 4) After marking your ballot(s), fold it so the ballot(s) can be removed from the envelope without being seen.
- 5) Place the ballot(s) in the secrecy envelope and seal it.
- 6) Place the sealed secrecy envelope in the return envelope and seal it.
- 7) Immediately mail the signed envelope containing the ballot to the Election Administrator: Clerk, School District No. _____, _____ County, State of Montana.

Reminder: Your ballot must be received by the Election Day _____ day of _____, 20____ to be counted.

CERTIFICATE AND RECORD OF ABSENTEE BALLOTS

(Name of School District and No.) (Date) (Election)

(Sec. 13-13-233 MCA) Election Administrator's record of official ballots issued to Absent Voters, one of each of said ballots numbered with like ballot numbers, being delivered or mailed to each registered Absent Voter applying for same as follows:

APPLICATION RECEIVED	REGISTRY NUMBER	NAMES OF ABSENT VOTERS	BALLOTS DELIVERED OR MAILED TO ABSENT VOTER		PAPER BALLOT NUMBER		RETURNED IN TIME: DELIVERED TO POLLS	BALLOTS DELIVERED BY WHOM
			DATE 20__	ADDRESS				
					1			
					2			
					3			
					4			
					5			
					6			
					7			
					8			
					9			
					10			
					11			
					12			
					13			
					14			

County of _____, State of Montana, I hereby certify to the judges of the above named election and school district that the foregoing is a true record of the numbers of the ballots delivered or mailed to absent voters registered in said school district, as well as those marked before me, and the names of the voters to whom such ballots were delivered or mailed, or by whom they were marked, if marked before me, to the best of my knowledge and belief.

DATED this ____ day of _____, 20__ Election Administrator _____ or deputy _____ Sheet # ____ of ____

COUNTY
STATE OF MONTANA

OATH OF THE JUDGES OF ELECTION

STATE OF MONTANA)
) ss.
County of _____)

OATH OF OFFICE

I, _____, do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God).

Sworn to and subscribed before me this _____ day of _____, 20_____.

(District Clerk/ Election Administrator/Other Election Judge)

20-20-410 Oath of Judges. Before votes are cast, the school election judges shall take and subscribe the official oath prescribed by the Constitution. The election judges may administer the oath to each other.

[Article III, section 3, Montana Constitution]

TALLY SHEET – TRUSTEE ELECTION

<u>Name of Candidate</u>	<u>Term</u>	<u>Tally</u>
1. _____ _____ _____	_____ _____ _____	Total Votes Cast: _____

2. _____ _____ _____	_____ _____ _____	Total Votes Cast: _____

3. _____ _____ _____	_____ _____ _____	Total Votes Cast: _____

4. _____ _____ _____	_____ _____ _____	Total Votes Cast: _____

5. _____ _____ _____	_____ _____ _____	Total Votes Cast: _____

STATE OF MONTANA)
) ss.
County of _____)

We, the Judges of the school election, hereby verify that the above tally is true and correct to the best of our knowledge.

_____ Print Election Judge's Name	_____ Signature of Election Judge
_____ Print Election Judge's Name	_____ Signature of Election Judge
_____ Print Election Judge's Name	_____ Signature of Election Judge
_____ Print Clerk's Name	_____ Signature of Clerk

Subscribed and sworn to this _____ day of _____, 20 _____.

TALLY SHEET – PROPOSITION

Proposition: _____

Total Votes Cast: _____

FOR Proposition:

No. of votes cast

AGAINST Proposition:

No. of votes cast

We, the Judges of the school election, hereby verify that the above tally is true and correct to the best of our knowledge.

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Clerk's Name

Signature of Clerk

Subscribed and sworn to this _____ day of _____, 20 _____.

**TALLY SHEET - PROPOSITION
ELECTION JUDGES' RETURN SHEET
FOR**

(Proposition)

School District No. _____, _____ County, State of Montana

Name of District

Number of votes FOR _____

Number of votes AGAINST _____

Number of ballots REJECTED _____

Number of Total Ballots _____

We the undersigned hereby certify that the number of ballots were cast as herein set forth.

DATED this _____ day of _____, 20 _____.

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Clerk's Name

Signature of Clerk

Subscribed and sworn to this _____ day of _____, 20 _____.

(Judges may use this form to certify the election returns in place of a certified tally sheet.)

Note: Publish Certificate once in the newspaper that will give notice to the largest number of people in the district. Send the certificate to the county superintendent within 15 days of the election. Send a copy of the certificate and oath to the elected trustee.

CERTIFICATE OF ELECTION OF TRUSTEE

To: _____ of _____

THIS IS TO CERTIFY that at the Regular School Election of School District No. _____ of _____ County, State of Montana, held on _____ day of _____, 20____, at (location) _____, _____ (name of candidate) _____ was duly elected to fill the office of Trustee for the term of _____ years, beginning _____ day of _____, 20 _____ and ending _____ day of _____, 20 _____.

Clerk, School District No. _____

County, State of Montana

DATED this _____ day of _____, 20 _____

Please file the following oath with the county superintendent within fifteen (15) days of your receipt of this Certificate of Election. Upon completion of taking and filing the oath of office, you will have the rights and obligations of a Trustee of the School Board in accordance with **20-3-324, MCA**. You will hold this position until your successor has been qualified.

OATH OF OFFICE

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity.

Print newly elected Trustee's Name

Signature of newly elected Trustee

Subscribed and sworn to before me this _____ day of _____, 20 _____

Print County Superintendent's Name

Signature of County Superintendent

20-20-416, MCA

CERTIFICATE OF PROPOSITION ELECTION RESULTS

_____ School District No. _____

_____ County, State of Montana

WHEREAS, an election was held for _____ School District
No. _____, _____ County, State of Montana on _____ day of
_____, 20____, at which the following proposition was considered:

Proposition Title _____

WHEREAS, the total number of registered electors who were eligible to vote in the election was
_____.

WHEREAS, the canvass of the votes established the following:

Proposition Title _____

Number of Votes FOR _____ Number of Votes AGAINST _____

NOW, THEREFORE, BE IT CERTIFIED that _____ has been approved
by the district electors.

Print Chair's Name

Chair, School District No. _____

_____, County, Montana

Address _____

Signature of Chair

Print District Clerk's Name

District Clerk, School District No. _____

_____, County, Montana

Address _____

Signature of District Clerk

DATED this _____ day of _____, 20____

Note: Must be published once in a newspaper that will give notice to the largest number of people of the district. Send the certificate to the county superintendent within 15 days of the election.

20-20-416, MCA

CERTIFICATE OF ELECTION FOR SPECIAL ELECTION

(Specify purpose of election)

To the _____ County Superintendent:

We, the undersigned trustees, certify that the taxpayers of School District No. _____
of _____ County, State of Montana, on _____ day of _____,
20____, voted on the following proposition:

Number of votes FOR: _____

Number of votes AGAINST: _____

* _____ (Print Trustee's name)	_____ (Trustee's signature)
* _____ (Print Trustee's name)	_____ (Trustee's signature)
* _____ (Print Trustee's name)	_____ (Trustee's signature)
* _____ (Print Trustee's name)	_____ (Trustee's signature)

The proposition was thereby _____ (approved or disapproved).

*Signatures of Trustees of _____ School District No. _____

DATED this _____ day of _____, 20_____.

PREScribed WRITTEN PLAN FOR MAIL BALLOT ELECTIONS

Submitted by _____, Election Administrator

For _____ County or School District No. _____

1. Legal name of jurisdiction _____

2. Jurisdiction is:

_____ Town (under 1,000 pop.)

_____ 3rd Class City: _____ School _____ Other: (specify) _____

_____ Special District

_____ Drainage

_____ Fire

_____ Irrigation: _____ County water & sewer _____ Other: (specify) _____

3. Type of election is:

_____ regular annual election for the district

_____ special election on ballot issues only

_____ regular municipal election for a town: primary or general (circle one)

_____ regular municipal election for a 3rd class city: primary or general (circle one)

4. ELECTION DAY is: _____ day of _____, 20 _____

5. Estimated number of eligible electors: _____

6. The jurisdiction involves: _____ a single-county district _____ a multi-county district

If the jurisdiction is multi-county: a) list below the other election administrators and counties/school districts involved, b) designate the **one** election official chiefly responsible for the conduct of this election, and c) have plan co-signed by all those listed below.

One person chiefly responsible for election: _____

7. If the election is for school district purposes, the election will be conducted by:

_____ school district clerk _____ county election administrator

8. Proportional voting ☐ is ☐ is not required for this election.

If proportional voting is required, state the applicable statute and the method you will use to satisfy the statutory requirements for proportional voting:

9. Voting ☐ is ☐ is not permitted by electors who are eligible but otherwise not registered.

If voting is permitted, state the applicable statute and describe the eligibility requirements:

To hold several elections of different types on the same day and procedures will be the same for all elections, complete both pages of this form for one of the elections, and the first page only for each of the other elections. Attach and return all sheets, along with a completed timetable, to the Montana Secretary of State's Office. 13-19-205, MCA

Continued on next page

PRESCRIBED WRITTEN PLAN FOR MAIL BALLOT ELECTIONS (continued)

10. Number of places of deposit _____ if other than your office, list places and addresses:

(For each of the following, explain what you will do.)

11. If ballots are returned as undeliverable,

12. When ballots are returned by elector for counting, postage will be paid by

If elector is required to apply postage, insufficient postage will be handled by

13. For a school election conducted by the school district clerk, give a brief narrative of the procedures to be followed from the time ballots are received from the electors until they are tabulated, including a description of procedures for transport of ballots to and from the County Election Administrator for signature verification.

14. Describe the procedures you will use to ensure security for the ballots.

Submitted this _____ day of _____, 20____

Election Administrator(s):

Signature: _____ County: _____

Signature: _____ County: _____

Signature: _____ County: _____

Signature: _____ School District: _____

BE SURE TO ENCLOSE YOUR WRITTEN TIMETABLE!

FOR SECRETARY OF STATE OFFICE USE ONLY

Date received _____

Approval date _____ Rejection date _____

Reviewed for the Secretary of State by _____, Deputy

13-19-205, MCA

Continued on next page

PRESCRIBED WRITTEN PLAN FOR MAIL BALLOT ELECTIONS (continued)
TIMETABLE FOR MAIL BALLOT ELECTIONS

**CALENDAR
DATE**

ACTIVITY

_____	Copy of written plan to governing body. (no date set by law, but should be no later than 60 days before election)
_____	Last day for governing body to opt out. (no later than 55 days before election)
_____	Submission of written plan to Secretary of State's office. (no later than 60 days before election)
_____	Approval by Secretary of State. (Within five days of receiving the written plan from the election administrator)
_____	Publish notice specifying close of registration as provided by 13-2-301, MCA . (once a week for three weeks before close of registration)
_____	Close of registration as provided by 13-2-301, MCA . (30 days before election)
_____	Ballots mailed. (no sooner than 25 days or later than 15 days before election)
_____	Election Day.

This schedule must be attached to the written plan for this mail ballot election.

_____	_____
Date	Signature of School District Clerk/Election Administrator

13-19-205, MCA

REPLACEMENT MAIL BALLOT REQUEST

I, _____ (print name), do hereby request a replacement ballot for the mail ballot election to be held _____ day of _____, 20____, in _____ County, State of Montana, for the following reason (check one):

☐ I did not receive the ballot mailed to me.

The ballot mailed to me has been

☐ spoiled ☐ damaged

☐ lost ☐ destroyed

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand attempting to vote more than once in any election is a violation of Montana election law.

Signature of voter _____

Address of voter _____

The above named individual has sworn and subscribed before me that the information is true and correct, and the voter has been issued a replacement ballot pursuant to **13-19-305, MCA**.

Signature of officer issuing oath _____

Position of officer issuing oath _____

DATED this _____ day of _____, 20____.

(If notarized, include the following information.)

STATE OF MONTANA)
) ss.

County of _____)

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____.

by _____ (name of applicant).

(SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at: _____

My Commission Expires: _____

Signature of Election Administrator

13-19-305, MCA

3/6/2002

**DISTRICT RESIDENCY FORM
CERTIFICATE OF ERROR**

STATE OF MONTANA)
) ss.
County of _____)

I, _____ DO HEREBY CERTIFY that I signed this affidavit
to obtain a (name of district) _____ School District No. _____ ballot
for the reason that I now live within this District at the following address:

(Street and Number or Post Office Box)

(City, State and ZIP Code)

(Signature of Elector)

VERIFIED VIA TELEPHONE from the Election Department the above name is a current
Registered Elector.

Subscribed and sworn to before me this _____ day of _____, 20____.

(Signature of Election Judge)

13-2-603, MCA

CERTIFICATION OF MATERIALS FOR ATTORNEY GENERAL'S REVIEW

STATE OF MONTANA)
) ss.
County of _____)

I, _____ clerk of _____ School
District No. _____ of _____ County, State of Montana,
hereby certify that the attached exhibits are true and correct copies of the documents they purport
to represent.

DATED this _____ day of _____, 20_____.

(Signature of District Clerk) School District No. _____

CERTIFICATE OF APPOINTMENT OF CLERK

To: (name of appointee) _____

THIS IS TO CERTIFY, that at a ("regular" or "special") _____ meeting of the Board of Trustees of School District No. _____ of _____ County, State of Montana, which was held on _____ day of _____ 20____, (state name) _____, you were duly appointed to fill the office of District Clerk to serve during the pleasure of the Board (state term)_____.

_____	}	Trustees for District No. _____

DATED this _____ day of _____, 20____

(This form is to be presented to the clerk after the trustees' reorganizational meeting.)

GLOSSARY OF TERMS AND PROCEDURES

Absentee Ballot: A ballot for qualified electors who will be unable to vote at the polls.

Ballot: A piece of paper or punch card listing one or more candidates and offices sought, and possibly containing ballot issues or propositions, upon which a voter marks his or her choice either by making a physical mark or using a mechanical device to designate a choice.

Ballot issue: A proposal submitted to the electors for their approval or rejection.

Certificate of Election: After canvassing votes, the results of the election are formally issued to:

1. the elected trustee (if a trustee election) and to the county superintendent designating the term of the trustee position that was just elected.
2. if an election for a proposition, a certificate specifying the outcome to the official or public body which ordered the election within 15 days after the election.
3. if an election ordered by trustee resolution, canvassed votes shall be published immediately in a newspaper that will give notice to the largest number of people of the district.

County Election Administrator: County Clerk and Recorder or individual designated by a county governing body to be responsible for all the election administration duties.

Elections: See regular, general, special and primary elections.

Election Administrator: School district clerk for school elections.

Election by Acclamation: Declaration by the trustees under MCA 20-3-313 to issue a certificate of election without holding an election. Used when the number of trustee candidates is equal to the number of available trustee positions.

Election Clerk: An appointee who is one of the election judges (see the election judges' selection).

Election Judge: A trustee-appointed registered voter.

Election Oath: Oath taken by trustees and election judges before assuming their official duties. See Official Election Oath.

Electors: Registered voters.

General Election: An election held throughout the state every year on the 1st Tuesday after the 1st Monday of November. This election is for the purpose of electing statewide, county and city office holders and considering other ballot issues.

Issue (or ballot issue): A proposal submitted to the electors for their approval or rejection.

Mail Ballot Election: Any election that involves either candidates or ballot issues and is conducted by mail in compliance with the procedure specified in 13-19-102 and 13-19-106, MCA.

Official Election Oath: Per Montana Constitution, Art. III, Section 3, the oath required for trustees and election judges: "I do solemnly swear (or affirm) that I will support, protect and defend the

Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

Political Subdivision: An electoral district of the state, including a school district.

Polling Site: The place where a registered voter casts his or her ballot.

Precinct: An election district of a city or town.

Precinct Register: An alphabetical list of names and addresses of the registered elector with a space for the signature of the elector and such other information prescribed by the Secretary of State.

Primary Election: An election held throughout the state to nominate candidates for public office. Held on the first Tuesday after the first Monday in June in even-numbered years or held on the Tuesday following the second Monday in September in odd-numbered years.

Proposition: A proposal or ballot issue.

Public Office: A state, county, municipal, school or other district office that is filled by the people at an election.

Regular School Election: An annual election held on the first Tuesday after the first Monday of May.

Referendum: The principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative.

Registrar: The county election administrator and any regularly appointed deputy or assistant election administrator.

Return Verification Envelope: an envelope used for mail ballot elections that contains a secrecy envelope and ballot designed to:

- allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is, in fact, a qualified elector and who has not already voted; and
- allow it to be used in the United States mail.

Secrecy Envelope: An envelope used to contain the elector's ballot and that is designed to conceal the elector's vote and to prevent the elector's ballot from being distinguished from the ballots of other electors.

Special Election: An election other than a statutorily scheduled primary or general election. Can be held at any time for any purpose provided by law.

Ward: A division of a city or town for administrative and representative purposes.

Index

Absentee Voting in School District Elections	46
Affidavit for Person Circulating Petitions	27
Affidavit of Posting Notices of Election.....	37
Application for Absentee Ballot	45
Candidates for School Elections	10
Certificate and Record of Absentee Ballots.....	46
Certificate of Appointment of Clerk	60
Certificate of Election for Special Election	53
Certificate of Election of Trustee.....	51
Certificate of Proposition Election Results.....	52
Certification of Materials for Attorney General’s Review	59
Certification of Notification of Election Administrator.....	33
Certification of Petition.....	29
Declaration of Intent for Write-in Candidates	30
District Residency Form	58
Election Procedures	14
Estimating the Tax Impact of Mill Increases.....	43
Forms for Election Procedures.....	31
Forms for Running for Office	25
Glossary of Terms and Procedures	61
Mail Ballot Elections	22
Notice of Annual School Trustee Election	34
Notice of Election Cancellation.....	35
Oath of Candidacy	26
Oath of Office	51
Oath of the Judges of Election.....	47
Official Ballot – Disequalized District	40
Official Ballot – Equalized District	39
Official Ballot – Flexibility Fund Levy	41
Official Ballot – School Trustee Election.....	38
Official Ballot – Technology Acquisition and Depreciation Fund Levy.....	42
Petition for Nomination of School Board Trustee	28
Prescribed Written Plan for Mail Ballot Elections	54
Relatives Who May <u>Not</u> Serve as Election Judges.....	17
Replacement Mail Ballot Request	57
School Election Calendar.....	6
Special Elections.....	18
Tally Sheet – Proposition.....	49
Tally Sheet – Proposition Election Judges’ Return Sheet	50
Tally Sheet – Trustee Election.....	48
Trustee Election by Acclamation.....	36
Trustee Resolution Calling for an Election.....	32
Voters in School Elections.....	9
Write-in Laws	13